

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>THOMAS KLAUS,</b>	:	<b>CIVIL ACTION NO. 1:12-CV-2488</b>
<b>Plaintiff</b>	:	
	:	<b>(Judge Conner)</b>
<b>v.</b>	:	
	:	
<b>JONESTOWN BANK AND TRUST</b>	:	
<b>COMPANY OF JONESTOWN, PA,</b>	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 13th day of August, 2013, upon consideration of the Report and Recommendation of United States Chief Magistrate Judge Martin C. Carlson (Doc. 21), recommending that defendant's motion to dismiss (Doc. 11) be denied, and, following an independent review of the record, and noting that defendant filed objections<sup>1</sup> to the report (Doc. 22) on July 29, 2013, and the court finding Magistrate Judge Carlson's analysis to be thorough and well-reasoned, and the court finding the objections to be without merit and squarely addressed by Magistrate Judge Carlson's report (Doc. 21), it is hereby ORDERED that:

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<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of Chief Magistrate Judge Carlson (Doc. 21) are ADOPTED.
2. Defendant's motion to dismiss (Doc. 11) is DENIED.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge